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ALEXANDER L. STEVAS,
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IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1982

No. 82-952

STATE OF MARYLAND, ET AL., APPELLANTS

v.

UNITED STATES OF AMERICA, ET AL.

No. 82-953

TANDY CORP., APPELLANT

v.

UNITED STATES OF AMERICA, ET AL.

ON APPEALS FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

REPLY OF TELEPHONIC EQUIPMENT CORPORATION TO RESPONSES TO ITS MOTION FOR LEAVE TO INTERVENE

In their responses to Telephonic Equipment Corporation's ("TEC") Motion for Leave to Intervene, both the United States and AT&T fault TEC for not seeking leave to intervene in a timely manner before the district court. While their criticisms are not directly relevant to TEC's motion in this Court, they are unfounded and a brief reply would seem appropriate.

On April 20, 1982, TEC filed comments with the district court in which it urged modifications of the decree that would assist plaintiffs asserting private claims against defendants. Numerous other persons also filed comments on or about that date. After reviewing those comments, in a Memorandum dated May 25, 1982, Judge Greene invited supplemental briefs on eight specific substantive topics and called on persons filing supplemental briefs to advise "what status those subscribing to the briefs request with respect to further proceedings herein." (May 25 Memorandum, p. 5). The May 25 Memorandum did not request additional briefing on "private plaintiff" issues such as those that TEC had earlier raised. In reliance on the court's statement that "omission of a topic implies no judgment on its merits but only on the need for further briefing," May 25 Memorandum, p. 3, n.7, TEC filed no supplemental brief, and accordingly did not seek intervenor status at that time.

Following the Court's rejection of TEC's proposals in its August 11 opinion, and August 24 order, TEC promptly sought leave to intervene (on September 1, 1982).

Dated: New York, New York
January 4, 1983

Respectfully submitted,

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